UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

PATRICIA COTTERMAN-HENSON,)
Plaintiff,)
v.) No. 3:09-CV-533) (Phillips)
MICHAEL J. ASTRUE,) (1 mmps)
COMMISSIONER OF SOCIAL SECURITY,)
)
Defendant.)

MEMORANDUM AND OPINION

This Social Security appeal is before the Court on the Report and Recommendation ("R&R") filed by United States Magistrate Judge C. Clifford Shirley [Doc. 15]. There have been no timely objections to the R&R [Doc. 15], and enough time has passed since the filing of the R&R [Doc. 15] to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b).

After a careful review of this matter, the Court is in complete agreement with the magistrate judge's conclusion that the Commissioner's Motion for Summary Judgment [Doc. 12] be **DENIED**, and that Plaintiff's Motion for Judgment on the Administrative Record [Doc. 10] be **GRANTED**, to the extent that this case is remanded to the Commissioner pursuant to 42 U.S.C. § 1383(c)(3) and sentence six of 42 U.S.C. § 405(g), for a new hearing consistent with this Opinion. Accordingly, the Court **ACCEPTS IN WHOLE** the R&R [Doc. 15] under 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b).

It is **ORDERED**, for the reasons stated in the R&R [Doc. 15], which the Court adopts and

incorporates into its ruling, that the Commissioner's Motion for Summary Judgment [Doc. 12] is **DENIED**, and that Plaintiff's Motion for Judgment on the Administrative Record [Doc. 10] is **GRANTED**, to the extent that this case is remanded to the Commissioner pursuant to 42 U.S.C. § 1383(c)(3) and sentence six of 42 U.S.C. § 405(g), for a new hearing consistent with this Opinion.

ENTER:

s/ Thomas W. Phillips
United States District Judge